

1 **Education Cabinet**

2 **Kentucky Board of Education**

3 **Department of Education**

4 **(Amendment)**

5 **702 KAR 5:010. Pupil transportation: technical assistance and monitoring.**

6 RELATES TO: KRS 156.160, 157.370, 189.540

7 STATUTORY AUTHORITY: KRS 156.070, 156.160, 157.370

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.160 and 189.540 require
9 the Kentucky Board of Education to promulgate administrative regulations relating to the
10 physical welfare and safety of public school children, the transportation of children to and
11 from school, and the operation of school buses; and KRS 157.370 references the method
12 of calculating transportation costs for the state public school funding program. This
13 administrative regulation establishes guidelines and procedures whereby the Department
14 of Education may offer direct assistance to the school districts in these areas: service to
15 the pupils, school bus safety, and economy of operation.

16 Section 1. The Department of Education may make safety inspections of school buses
17 and special type vehicles either owned by the board or contracted to the board being used
18 to transport pupils to and from school, held in reserve as substitutes for this purpose, or
19 proposed for this purpose. If any of these school buses or special type vehicles are found
20 to be in an unsafe condition, the department may prohibit further use for the

1 transportation of pupils until the conditions causing them to be unsafe shall have been
2 corrected.

3 Section 2. The Department of Education may make inspections of bus driver training
4 records. If a school bus driver training record is found to be out of compliance, the
5 department may decertify a driver whose training records are out of compliance until
6 proper corrections are made.

7 Section 3. All vehicles used for the transportation of pupils shall meet the minimum
8 safety standards for Kentucky school buses of the same model year except as provided in
9 702 KAR 5:060, Section 6 (2), and 702 KAR 5:130, Sections 1 and 2.

10 Section 4. The Department of Education may make a district pupil transportation system
11 survey or audit in any school district providing transportation for its pupils, or that is
12 planning to provide transportation for its pupils.

13 Section 5. The Department of Education may require the superintendent of a school
14 district to prepare or cause to be prepared: pupil transportation maps, bus route
15 descriptions, and reports necessary for calculating the district's entitlement under the
16 Support Education Excellence in Kentucky Program.

17 Section 6. The Department of Education shall be responsible for the training and approval
18 of state school bus inspectors.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(4).

(Date)

Gene Wilhoit
Commissioner of Education

(Date)

Keith Travis, Chair
Kentucky Board of Education

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on September 28, at 10:00 a.m. in the State Board Room, 1st Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky. Individuals interested in being heard at this meeting shall notify this agency in writing five working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until October 2, 2006. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to Kevin M. Noland, Deputy Commissioner and General Counsel, Bureau of Operations and Support Services, Kentucky Department of Education, 500 Mero Street, First Floor, Capital Plaza Tower, Frankfort, Kentucky, 40601, phone 502/564-4474, fax 502/564-9321.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation: 702 KAR 5:010

Agency Contact Person: Kyna Koch

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes guidelines and procedures whereby the Department of Education may offer direct assistance to the local school district in service to pupils, school bus safety and economy of operation.

(b) The necessity of this administrative regulation: This administrative regulation provides clarifications to ensure all school districts provide safe school bus transportation.

(c) How this administrative regulation conforms to the content of the authorizing statute: This statutes authorize and require the promulgating of administrative regulations relating to the physical welfare and safety of public school children, the transportation of such children to and from school, and operation of school buses.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation sets out the specific duties to ensure the safe transportation of children.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment to this administrative regulation will conform it to 702 KAR 5:060 and 702 KAR 5:130.

(b) The necessity of the amendment to this administrative regulation: This administrative regulation has not been amended since 1993 and is being amended to correct an outdated provision.

(c) How the amendment conforms to the content of the authorizing statute: This amendment does not affect the conformity of the administrative regulation to statute.

(d) How the amendment will assist in the effective administration of the statutes: This amendment provides clarification to ensure all school districts provide safe school bus transportation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All local school districts.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including: The amendment to this administrative regulation will have no effect on local school districts. The amendment is merely a technical clean up.

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: None required.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No expense required.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This regulation amendment corrects a discrepancy in existing regulations.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be no additional costs to the agency to implement this administrative regulation.

(b) On a continuing basis: None.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Agency general funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees will be necessary to implement this administrative regulation. This administrative regulation does not relate to any fees.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation No. 702 KAR 5:010

Contact Person: Kevin Noland

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes

If yes, complete questions 2-4.

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? School districts

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 156.160; 157.370; 189.540

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. No additional expense to school districts

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None

(c) How much will it cost to administer this program for the first year? The proposed amendment will require no additional cost

(d) How much will it cost to administer this program for subsequent years? The proposed amendment will require no additional cost

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): None

Expenditures (+/-): None

Other Explanation: